

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dwayne Parker-EI

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Detective Wilbert Morales

Detective Morales-Bell

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Dwayne Parker-EI
ID # _____
Current Institution _____
Address c/o [REDACTED] (mailing)
[REDACTED]

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Wilbert Morales Shield # _____
Where Currently Employed 46th Precinct Bronx, N.Y.
Address _____

Defendant No. 2 Name Morales-Bell Shield # _____
 Where Currently Employed 46th Precinct Bronx, N.Y.
 Address _____

Defendant No. 3 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
The events giving rise to my claim occurred in my home
at the time and in the 46th Police Precinct in the Bronx
- B. Where in the institution did the events giving rise to your claim(s) occur?

- C. What date and approximate time did the events giving rise to your claim(s) occur?
The events giving rise to my claim occurred on
October 3, 2010 (10/3/2010) at approximately 10:30 a.m.

This was a warrantless, non-consensual entry into my apartment where no exigent circumstances existed so that these detectives could make a misdemeanor arrest. Sunday

D. Facts: At approximately 10:30 a.m. October 3, 2010 my doorbell rang, I opened my apartment door and upon seeing a man and a woman outside talking in to one another in Spanish, I opened the hallway door, as my next door neighbor was a Spanish speaking daycare operator and I assumed that the two people were there to see her. They did not immediately come into the hallway, instead they held the door open continuing to talk. I went back into my apartment and closed the door.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Minutes later there was a knock on my apartment door, I opened my door seeing the two people who had earlier rang the bell. When I opened my door I stood beyond the threshold of my door way on the inside of my apartment and they stood on the opposite side of the threshold after speaking with what I learned was two detectives for a few minutes, I pushed the door so as to close it while stepping away from it, Detective Morales-Bell stopped the door from closing and yelled out "WE CAN COME IN!" "WE CAN COME IN!". I said, shocked and at that point very nervous, No you can't. Continuing to claim they were there investigating a kidnapping they asked me 3 times to come to the Precinct with them and each time I refused, then Detective Morales-Bell yells "YOU HAVE TO COME WITH US!" "YOU HAVE TO COME WITH US!", at that I became afraid for myself, my father and my son who were in my father's room, which we were standing in front speaking when this occurred. Based on the tone of the detective's voice and her body language I feared they were about to get violent so I involuntarily went with them and was imprisoned for 18 months.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I didn't sustain any physical injuries relative to the events, but I was deeply traumatized and had and continue to have high anxiety and serious depression.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). n/a

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____ n/a

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____ n/a

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____ n/a

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____ n/a

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? n/a

1. Which claim(s) in this complaint did you grieve? n/a

2. What was the result, if any? n/a

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. n/a

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: AS regards the events described above and the responsible defendants named above my claims as to their actions arose based on their actions and while in their specific custody

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: h/a

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

h/a

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I pray the Court grant my motion to proceed In Forma Pauperis and to assign a competent attorney to me. I further pray for a judgment awarding ~~compensatory~~ damages in the amount of ~~\$21,000.00~~ \$10.00 and punitive damages in the amount of \$100,000.00 for the violation of my privacy rights, my right to be secure in my home against an unreasonable seizure and held for more than half a day before being arraigned.

I further pray that the court will grant a stay of this matter until the state court proceedings have been finally adjudicated and disposed of. (2010BX062570 - consolidated docket)

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On
these
claims

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of October, 2013.

Signature of Plaintiff

Dwayne Paddy-L

Inmate Number

~~Institution~~ Address

[Redacted]

(mailing)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 1 day of October, 2013 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:
